REMARKS

In response to the Office Action dated January 31, 2005, Applicants respectfully request reconsideration and withdrawal of the rejections of the claims in view of the present amendments and the following remarks.

By way of the present response, Applicants add new independent claims 18-21, cancel claims 1, 6, 9 and 14 without prejudice or disclaimer, amend the dependencies of claims 2-5, 7, 8, 10-13, and 15-17, and add new dependent claims 22-25. Claims 2-5, 7, 8, 10-13 and 15-25 currently are pending.

In the Office Action, the Examiner maintained the rejections under 35 U.S.C. §103 of claims 1, 3, 4-10 and 12-17, as being obvious over the Ishii et al. patent in view of the Yomogizawa et al. patent, and of claims 3 and 11 as being obvious over Ishii et al. and Yomogizawa et al., in further view of alleged acknowledged prior art. To the extent that the Examiner may consider the rejections to apply to the claims as amended, these rejections are respectfully traversed.

New claims 18-20 respectively correspond to features recited in claims 1, 6 and 9 with the exceptions of the added feature: "an optical viewfinder which is provided for making an optical image with the light beam formed by the taking lens so as to enable observing of the optical image," and the operational feature of switching to display a single frame when an image is recorded via the first photo-taking portion to thereby display a still image of the recorded image being moved to new dependent claims 22-24. There is a similar correspondence between claim 14 and new claim 21, with the exception that this claim recites "an *optical* image-observation portion that receives the light beam to allow observation of the image of the subject formed by the taking lens" rather than the "optical viewfinder" language of claims 18-20. Support for these amendments is found, for example, in the exemplary camera shown in Figure 152 and described starting on line 20 of page 197 of the disclosure (note that some description of the camera example of Figure 152 is made in connection with the camera shown in Figure 143). As described therein, separate images can be formed in two photo-taking portions (but not simultaneously) with the light beam produced by the taking lens 1. It is respectfully submitted that none of the embodiments described in the Ishii et al. patent teach or suggest these features in combination with the other recitations of the pending independent claims.

For instance, the camera embodiments described in the Ishii et al. patent fail to teach or suggest a camera simultaneously provided with a photo-taking portion for recording an image of a subject, a photo-taking portion for displaying an image of the subject, and a viewfinder for permitting observation of an optical image of the subject, as set forth in claim 18.

Starting with the camera embodiment of Figures 1 to 5, Ishii et al. describes an image sensor 25 that senses, *in response to the operation of the shutter switch 6*, an image corresponding to one screen for the purpose of recording and displaying the image (see, column 5, lines 18-41). That is, the sensor of Ishii et al. does not operate to sense an image for the purpose of displaying it to permit observation of the image *before* photographing.

The next example shown in Figures 6 and 7 of Ishii et al. is a modified version of the embodiment of Figure 1. However, as in the embodiment of Figure 1 mentioned above, the image sensor 25 of the Figure 6 and 7 embodiment is for sensing an image corresponding to one screen after retracting the movable mirror 41 in response to the operation of the shutter switch (column 6. lines 55-63). Hence, the image sensor 25 does not operate to display an image to permit observation of the image *before* photographing.

The embodiment of Figure 8 of Ishii et al. is a further modified version of the embodiment of Figures 5 and 7. In the Figure 8 embodiment, the shutter switch 51 is a two-step switch. When the switch 51 is operated in the first step, the movable mirror 41 retracts and an image corresponding to one screen is sensed and displayed (column 7, lines 37-57). However, the sensing of the image is not for the purpose of presenting a preview of a moving picture.

In the embodiment shown in Figures 9 to 12 of Ishii et al., a camera includes an image sensor 25 and a CCD 65. The image sensor 25 operates to sense, when the shutter switch 51 is operated into the second step, an image corresponding to one screen. The image sensor 25, however, does not operate to sense an image for presenting a preview of a moving picture. Moreover, the CCD 65 is a metering CCD (see, column 8, lines 6-7 and 39-41), and thus does not operate to sense an image for the purpose of presenting a preview of a moving picture, as claimed.

In the embodiment shown in Figures 13 and 14, independent optical systems are provided for the electronic and film pickup of an image (column 8, lines 57-60). The camera includes an image sensor 25 on which an object image is formed at the same time the object image is formed on the film 18 (column 9, lines 51-52) in response to the operation of the shutter switch 6 (column 9, lines 35-44 and column 8, lines 49-51). In contrast to what is claimed, there is no description or suggestion in Ishii et al. that the image sensor 25 operates to sense an image for displaying it to permit observation of the image *before* photographing.

The embodiment shown in Figures 15 and 16 of Ishii et al. includes a device provided with a liquid crystal display device 90. In other respects, this embodiment is similar to the above-described embodiments insofar as the device 90 displays one frame of image data. This embodiment of Ishii et al, therefore, also fails to teach or suggest a structure for producing a moving picture preview prior to recording an image via the first photo-taking portion as claimed.

Finally, the Ishii et al patent's embodiment shown in Figures 17-22 includes an image sensor 102 that senses an image corresponding to one screen in response to the operation of the shutter switch S3 (see, column 12, lines 26-28; column 11, lines 10-12; and column 13, lines 2-11, noting that the description therein of shutter switch "S2" appears to be a typographical error). However, the Ishii et al. patent does not describe or suggest that the image sensor 102 operates to sense an image for the purpose of displaying it to permit observation of the image before photographing. Hence, the Figure 17 embodiment of Ishii et al. does not teach or suggest, among other claimed features, the feature of a moving picture preview prior to recording an image via the first photo-taking portion.

Hence, no embodiment described in the Ishii et al. patent teaches or suggests the claimed features of an optical viewfinder that forms an optical image from the light beam produced by a taking optical system and a construction that operates to perform image sensing based on *the same light beam* to provide a moving picture preview through an electronic viewfinder.

The Yomogizawa et al. patent does not remedy the deficiencies of Ishii et al. pointed out above. Yomogizawa et al. discloses an image pickup apparatus that includes an optical viewfinder including an objective lens 14 and eyepiece 15 (column 3, lines 45-46), and a viewfinder that includes a pan-focusing lens 3 and a liquid crystal display 8 (column 3, lines 4-5). However, referring to Figures 1 and 2, it can be seen that the two viewfinders use separate optical systems completely independent from one another. Therefore, the viewfinders form separate images. Moreover, the optical systems of viewfinders 14, 15 and 3, 8 also are separate from a taking optical system. Thus, no two images obtained by viewfinders 14, 15 and 3, 8 are formed from the same light beam produced by one shared taking optical system.

Since neither of the Ishii et al. and Yomogizawa et al. patents discloses the combination of features including *inter alia* an optical viewfinder that forms an optical image from the light beam produced by a taking optical system and a construction that operates to perform image sensing based on *the same light beam* to provide a moving picture preview through an electronic viewfinder, it is respectfully submitted that no combination of these patents would have taught or suggested these features to one of ordinary skill in the art. As such, claim 18 is considered patentable.

Similar distinctions are set forth in new independent claims 19-21, and therefore these claims also are considered patentable for at least reasons analogous to those provided above.

Claims 2-5, 7, 8, 10-13,15-17 and 22-25 and are patentable, if for no other reason than they each depend from one of independent claims 19-21, and further for the additional features recited.

All rejections in the Office Action having been addresses, it is respectfully submitted that the application is in condition for allowance. Notice to that effect is earnestly solicited.

Respectfully submitted,

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